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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/720,833	05/14/2002	Kristian Bjorn Omarsson	918-002	5877

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SOFER & HAROUN L.L.P.
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EXAMINER

CHIESA, RICHARD L

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/720,833 Applicant(s) K. B. OMARSSON
Examiner RICHARD L. CHIESA Group Art Unit 1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 - 28 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1 - 10 is/are rejected.
- ☒ Claim(s) 11 - 28 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on May 14, 2002 is/are objected to by the Examiner
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

SN 09/720,833

DETAILED ACTION

Priority

- (1.) Receipt is acknowledged of papers filed under 35 USC 119, which papers have been placed of record in the file.

Drawings

- (2.) The drawings filed on May 14, 2002 are objected to for the reasons noted on the attached Form PTO 948. Correction is required in response to this Office action.

Specification

- (3.) The disclosure is objected to for the following reasons: (A) The numeral "10" in the second line of the abstract should apparently be changed to --4--. (B) The expression "(re-)evaporated" (page 6, penultimate line) should apparently be changed to --reevaporated--. Correction and/or clarification is required.

Claim Objections

- (4.) Claims 11-28 are objected to under 37 CFR 1.75(c) as being improper multiple dependent claims because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP section 608.01(n). Accordingly, claims 11-28 have not been further treated on the merits.

Claim Rejections – 35 USC 103

(5.) The following is a quotation of 35 USC 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(6.) Claims 1-3, 7/1-3, and 8-10/1-3 are rejected under 35 USC 103(a) as being unpatentable over Cedarholm ('391) in view of Scott. Cedarholm ('391) shows a fuel-air mixer (note Figures 1-3) with an adjustable throttle 31, variable orifice nozzle 35, tapered needle valve 34, linkage 33, and integral vaporization block 92 having a plurality of layers or passageways 93 substantially as claimed. It would appear that Cedarholm ('391) may not explicitly disclose that the vaporization block is an apertured solid machined block having tubes. In any case, Scott (note ref. num. 26, 32, 34, Figures 1-5) teaches the well-known use of an apertured solid machined block having tubes in a fuel-air mixer vaporization block for the purpose of ensuring maximum vaporization and atomization (note col. 2, line 23 to col. 3, line 60). Consequently, it would have been readily obvious to one of ordinary skill in the art to employ an apertured solid machined block having tubes in the Cedarholm ('391) fuel-air mixer vaporization block in order to facilitate vaporization and atomization as taught by Scott. With respect to claims 8-10, it would appear that the layers are not actually being positively recited as wound layers but

only formed "preferably by winding". If applicant intends to positively require a wound structure then perhaps the phrase "layers, preferably by winding," (claim 8, lines 2, 3) should be changed to --wound layers,--.

(7.) Claims 4-6, and 8-10/4-6 are rejected as unpatentable under 35 USC 103(a) over Cedarholm ('391), taken together with Scott, as applied to claim 1 in paragraph 6 above, and further in view of Asai et al. Cedarholm ('391), taken together with Scott, as described above in paragraph 6, disclose a fuel-air mixer substantially as claimed with the apparent exception of ultrasonic excitation of the vaporization block. However, Asai et al (note ref. num. 170, 171, Figures 9-11, and the Abstract) teach the well-known use of ultrasonic excitation of the vaporization block in a fuel-air mixer for the purpose of maximizing atomization. Therefore, it would have been obvious to one of ordinary skill in the art to employ ultrasonic excitation of the Cedarholm ('391) and Scott fuel-air mixer vaporization block in order to facilitate atomization as taught by Asai et al.

(8.) Claims 8-10 are also rejected as unpatentable under 35 USC 103(a) over the prior art as applied above to claims 1-6 in either one of paragraphs 6 or 7, and further in view of Denner. The prior art, as described above in either one of paragraphs 6 or 7, disclose a fuel-air mixer substantially as claimed with the possible exception of wound layers in the vaporization block. In any case, Denner (note ref. num. 9, Figures 1-4, and page 1, lines 70-87) teaches the well-known use of wound layers in a fuel-air mixer vaporization block for the purpose of ensuring maximum vaporization and for this same reason it would

have been obvious to one of ordinary skill in the art to employ such an expedient in any one of the prior art fuel-air mixer vaporization blocks described previously above.

Conclusion

(9.) The prior art cited but not applied is considered pertinent to applicant's disclosure. These references have been cited as art of interest to show other fuel-air mixers.

(10.) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard L. Chiesa whose telephone number is (703) 308-3791.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is (703) 308-0661.

Facsimile correspondence to Art Unit 1724 must be transmitted through (703) 305-7718. This number is for Art Unit 1724 correspondence only.

Richard L. Chiesa
July 11, 2003

Richard L. Chiesa

**RICHARD L. CHIESA
PRIMARY EXAMINER
ART UNIT 1724**

July 11, 2003